REMARKS

Claims 1, 3, 5-7, 12 and 13 are rejected under 35 U.S.C. §112, second paragraph. Claims 1, 3 and 5-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gilson et al. (U.S. Patent No. 6,336,934) in view of Greenhalgh (U.S. Patent No. 6,375,670). Claims 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gilson et al. (U.S. Patent No. 6,336,934) in view of Rafiee et al. (U.S. Patent No. 6,716,231). With this Amendment, claims 1, 5-7, 12 and 13 are amended and claim 3 is cancelled. Claims 2 and 4 were cancelled in a previous response. Claims 8-11 were withdrawn in a previous response. Claims 1, 5-7 and 12-13 remain in the case for further prosecution.

The claims have been amended to include the term comprising as requested by the Examiner to overcome the 35 U.S.C. §112 rejection. The other amendments were made to conform to the 'comprising' language of the preamble and clarify the claims. Claim 3 has been incorporated into claim 1 and cancelled.

The Examiner maintains his rejection of claims 1, 3 and 5-7 under 35 U.S.C. §103(a) as being unpatentable over Gilson et al. (U.S. Patent No. 6,336,934) in view of Greenhalgh (U.S. Patent No. 6,375,670).

Claim 1 has been amended to recite a wire for insertion into intravital tracts comprising a principal wire to be inserted into an intravital tract comprised of flexible filaments having at a tip a capture filter. The capture filter comprises a filter body formed into a mesh state by knitting ends of additional flexible filaments and forming the mesh state into a concave shape with a closed farther end and an opened nearer end and support wires formed by dividing the flexible filaments at the opened nearer end of the filter body into a plurality of sets, each set of flexible filaments twined together, wherein ends of the plurality of sets of filaments are spliced to the principal wire. Each of the support wires extends radially in the direction toward the closed farther end and in the direction of an outer diameter, and the concave shape is configured to face the support wires and incline toward an outer circumference of the filter body in a lying posture relative to the blood current, a mesh size of the mesh state decreases toward a

central part of the concave shape at the farther closed end. The filaments constituting the support wires and filter body are shape-memory alloy and have an elastic force to form the shape.

Gilson et al. do not teach or suggest a principal wire to be inserted into an intravital tract comprised of flexible filaments. Gilson et al. disclose an inner tubular support element 2 (col. 10, l. 11), tubing substrates 33 (col. 12, l. 54) and guidewire 101 (col. 14, l. 65).

Gilson et al. do not teach or suggest the filaments constituting the support wires and filter body are shape-memory alloy and have an elastic force to form the shape. The Examiner points to column 11, line 39 for support that this element is disclosed. However, Gilson et al. disclose that a frame element 40 can be made of a shape-memory alloy. A film component is attached over the frame. Therefore, there is no disclosure of a filter made of shape-memory alloy.

Finally, as admitted by Examiner on page 3 of the Office Action, Gilson et al. do not disclose the central part of the filter body being joined to the nearer end side of a first tubular piece and a concave filter.

Greenhalgh does not cure all of the deficiencies of Gilson et al. Greenhalgh does not teach or suggest a principal wire to be inserted into an intravital tract comprised of flexible filaments. Greenhalgh discloses a tether 20.

Greenhalgh does not teach or suggest the filaments constituting the support wires and filter body are shape-memory alloy and have an elastic force to form the shape. Greenhalgh discloses that support wires 22 for the braided polymer yarn forming the filter be shape-memory alloys only.

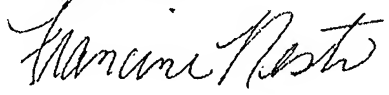
Because Greenhalgh does not cure all of the deficiencies of Gilson et al., the references combined do not teach, suggest or render obvious claim 1. Due to their dependency, claims 5-7 and 12-13 are also not taught, suggested or rendered obvious by the combined references. Applicant respectfully submits that the application as amended is in condition for allowance, notice of which is requested.

Claims 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gilson et al. (U.S. Patent No. 6,336,934) in view of Rafiee et al. (U.S. Patent No. 6,716,231). Claims 12 and 13 depend from amended claim 1 to include all of the limitations therein. By this dependency at least, claims 12 and 13 are submitted to be in allowable form, notice of which is requested.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment and the new claims have antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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